

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH AT NEW DELHI

O.A. No. 680/ 2024

IN THE MATTER OF

VAISHALI RANA & ORS.

..... APPLICANTS

VERSUS

UNION OF INDIA AND OTHERS

..... RESPONDENTS

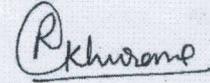
INDEX

S. No.	Particulars	Page No.
1.	Reply on behalf of Respondent No. 3 with additional affidavit	
2.	Annexure-R-1: Sample of tree felling application and the inspection report	
3.	Annexure-R-2: Order for restriction tree felling during monsoon season	

Filed By:

Date: 02.04.2025

Place: New Delhi



Rahul Khurana, Advocate
Counsel for Respondent No. 3
09811894060
rkhuranalegal@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH
AT NEW DELHI

ORIGINAL APPLICATION NO. 680 OF 2024

IN THE MATTER OF:

Vaishali Rana & Ors.

... Applicants

VERSUS

State of Haryana & Ors.

... Respondents

REPLY OF RAJ KUMAR, IFS, DEPUTY CONSERVATOR OF
FOREST, GURUGRAM TO ADDITIONAL AFFIDAVIT DATED
18.01.2025 OF THE APPLICANT

MOST RESPECTFULLY SHOWETH:

1. That a detailed reply has been submitted in respect of OA No. 680/2024. It is humbly submitted that prior permission for tree felling is required from Haryana Forest Department in areas which are specified under general section 4 of Punjab Land Preservation Act 1900.
2. That no permission of trees is granted by Forest Department unless tree felling is required for any public project or requested by the bonafide applicants causing obstruction in house construction or unless causing any harm to public/private property.
3. That the applications for tree felling in Gurugram city in case of public developmental projects are submitted on online portal of Forest Department by development agencies like Gurugram



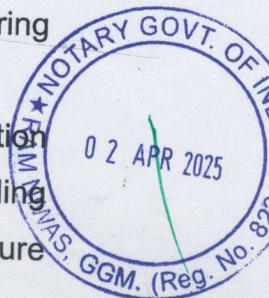
Metropolitan Development Authority, Municipal Corporation, Haryana Shahri Vikas Pardhikaran, Haryana State Industrial Development Corporation Ltd., Metro Rail Agencies, Vidhut Prasharan Nigam, RRTS etc. The trees coming in the alignment of road, sewer line, water pipeline, underpasses, bridges and building construction are jointly inspected by the agencies and the Forest Department.

4. That the trees standing in MC area are first inspected by MC officials and if required for felling, is applied by MC on online portal of Forest Department. Forest Department after inspection takes decision on tree felling accordingly.
5. That the trees standing on private land owners land are directly applied on online portal of Forest Department. Field staff carry out inspection and based on field inspection report, the decision is taken on tree felling. A sample of tree felling application and the inspection report are annexed as **Annexure-R-1** for kind perusal.
6. That the two services are part of Right to Service Act of Haryana Forest Department i.e. permission for tree felling and forest clearance. The tree feeling permission is required only in areas specified under general section 4 of Punjab Land Preservation Act 1900.
7. That as per Notification of 1997 and 2013, permission was to be granted by Divisional Forest Officer of the concerned area without putting any conditions. But Forest Department has started putting condition of compensatory plantation in lieu of trees to be felled.
8. That due to enforcement by Forest Department and awareness among people, illicit tree felling has been drastically reduced and applications are submitted only for the trees which are required to be felled for specific permitted purpose and not for any wood selling purpose.



Para-wise Reply:-

1. That the contents of Para 1 of the affidavit filed by the applicant are a matter of record. However, it is submitted that the Forest Department, while granting permissions, acts strictly in accordance with the provisions of law and applicable environmental norms.
2. That the contents of Para 2 are denied to the extent that any material fact has been concealed by the Forest Department. The Department follows a transparent process and ensures that all necessary considerations are taken into account before issuing any permission.
3. That the contents of Para 3 are admitted to the extent that the Original Application has been filed under Section 14 read with Section 20 of the National Green Tribunal Act, 2010. However, the contention that the Department has indiscriminately allowed tree felling is denied. The permissions granted are in accordance with relevant legal provisions, and due process has been followed.
4. That the contents of Para 4 are denied to the extent that the issuance of permits has been portrayed as arbitrary. The Department, while granting permissions for the felling of trees, ensures compliance with compensatory afforestation norms and other statutory requirements. The details of permissions granted for tree felling, as mentioned in sub-paras (a), (b), and (c), are a matter of record, but they were granted only after careful consideration of ecological impact and public necessity.
5. That in response to Para 5, submissions of answering respondent is as under:
 - i. The assertion that the permits are in violation of the Notification dated 04.01.2013 is incorrect. The said notification allows felling of trees for bonafide purposes, including infrastructure



development, subject to the approval of competent authorities. In the present case, the required permissions were duly obtained.

- ii. The contention that Gurugram is highly polluted and that tree felling worsens the air quality is acknowledged. However, the Department ensures that for every tree felled, adequate compensatory plantation is undertaken in accordance with applicable guidelines.
- iii. The claim that permits were granted as a mechanical exercise without considering transplantation is denied. Transplantation is considered where feasible, but in cases where it is not viable, compensatory plantation is mandated. Technically, the transplantation is feasible only for some species of *Ficus* genus and that too having girth below 60 cm. If the trees of higher girth, the transplantation is not successful.
- iv. The passing of order by Hon'ble Supreme Court in matter of Association for Protection of Democratic Rights & Anr. v. State of West Bengal is matter of record. The Department abides by the principle that the ecological value must be compensated, and compensatory plantation is enforced as per existing guidelines.
- v. The concern regarding lack of accountability in compensatory plantation is noted but it will be ensured that the compensatory plantation is done and periodic monitoring will be carried out.
- vi. Regarding the issue of bird nesting sites, the Department follows standard protocols, including seasonal considerations, to minimize ecological impact. A letter dated 27.12.2021 issued by the Principal Chief Conservator of Forests is a matter of record, and the Department takes due cognizance of such advisories while processing permissions. The permission for felling of trees is restricted during monsoon months. The copy of order dated 16.08.2023 is annexed as **Annexure-R-2**.



In view of the submissions made herein above, all due procedures were followed in granting the permissions mentioned in additional affidavit of the applicant and permissions have been granted in accordance with exiting regulation applicable for areas specified under general Section 4 of PLPA 1900. The allegations of indiscriminate felling without due consideration are denied. The Department remains committed to environmental conservation while balancing the infrastructural development needs of the region. Any additional measures required in furtherance of environmental protection will be duly undertaken as per the directions of the Hon'ble Tribunal.

Date: 02.04.2025

Place: Gurugram


(Raj Kumar, IFS)

Deputy Conservator of Forest, Gurugram

VERIFICATION

Verified that the contents of para no.1 to 14 of the reply are true and correct to the best of my knowledge and information derived from the official record. Nothing material has been concealed therein.

Date: 02.04.2025

Place: Gurugram


(Raj Kumar, IFS)

Deputy Conservator of Forest, Gurugram

ATTESTED

RAM NIWAS MALIK, ADVOCATE
NOTARY, GURUGRAM (HR.) INDIA



ATTESTED

RAM NIWAS MALIK, ADVOCATE
NOTARY, GURUGRAM (HR.) INDIA

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH AT NEW DELHI**

O.A. No. 680/ 2024

IN THE MATTER OF

VAISHALI RANA & ORS.

..... **APPLICANTS**

VERSUS

UNION OF INDIA AND OTHERS

..... **RESPONDENTS**

AFFIDAVIT

I, Raj Kumar, IFS, Deputy Conservator of Forest, Gurugram do hereby solemnly affirm and state as under:

1. That I have been impleaded as Respondent No.3. I am well conversant with the facts and circumstances of the case therefore, I am competent to swear this affidavit.
2. That I have read the contents of accompanying reply to objections which has been drafted under my instructions.


DEPONENT

VERIFICATION

Verified that the contents of above affidavit are true and correct to my knowledge and on the basis of information derived from the Official record which I believe to be true and no material fact has been concealed therein.


DEPONENT



ATTESTED


RAM NIWAS, ADVOCATE
NOTARY, GURUGRAM (HR.) INDIA

Forest Department



Range Officer (Gurgaon)

Tree-Felling Records

Report

Request Detail

Dashboard » Tree-Felling Records » View

SRN : RF9-EYH-841C

View Details

Date :

20-11-2024

Personal Details

Applicant Name	Amit Dalal AGM HSIIDC (अमित दलाल अगम हसिइदक)			
Father's Name	-	Address	1st Floor Udyog Minar Building, Udyog ViharPhase V Gurugram	
Mobile No.	9899693449	Email Address	-	

Organization Details

Status	Forward To RO	Category	Organization Type	Tree Felling
User Type	Self Login			
Type Of Organization	Others	Name of Organization	HSIIDC Gurugram	

Uploaded Documents

 Tatima	 Jamabandi	 Consent	 Mutation	 Purpose
------------	---------------	-------------	--------------	-------------

77

Land Details

Purpose Building Construction	Village	
Land Measurement 9.82 (Acre)		
Location Harsaru, Global City Project	Place	Harsaru Of Gurgaon In HARYANA
Agency - Type	Number of Trees	392
* Khasra Number 101//19, 22, 115//13, 18, 23/1, 125//3, 67//18,19		

GPS Reading

GPS Longitude *	N 28.25 36	KML/KMZ File	Add KML/KMZ File * Supported Extensions: .kml/.kmz
GPS Latitude *	E 76 57 45		
			Upload KML/KMZ File

RTS Management

Current RTS Meter Status	No change	Action	Put on Hold
---------------------------------	-----------	---------------	-------------

Request Recommended or not

Recommended	Yes No	Recommendations (Upto 300 Characters)	
--------------------	--------	---	--

Site Photographs

Upload Photo
Supported Extensions: .jpeg, .jpg, .png
(Max 2 photos can be uploaded, Only upto 500 KB)

Upload Document

79

Risk Category

Risk Category

High Risk

Forward Back

Forward

Back to DFO

Remarks

(Upto 500 characters)

Final Report *

Upload Final Report

Supported Extensions: .jpeg, .jpg, .png, .pdf

(Only upto 2 MB)

Upload Documents

Other Supporting Document

Upload Other Supporting Document

Supported Extensions: .jpeg, .jpg, .png, .pdf

(Only upto 500 KB)

Upload Documents

Fell/transplant trees abstract *

Species	Classwise number of trees							Total no. of trees	Total Volume (M3)
	V	IV	III	IIA	IIB	IA	IB		

Submit

Cancel



वन विभाग, हरियाणा सरकार
कार्यालय-वन राजिक अधिकारी, गुरुग्राम
सोहना रोड़, नजदीक न्यायालय परिसर, गुरुग्राम

क्रमांक:- 11596
सेवा में,

दिनांक:- 28-11-2024

उप वन संरक्षक,
गुरुग्राम।

विषय:- Application for felling of tree from private land closed under Section 4 of PLPA 1900 (Amit Dalal AGM HSIIDC Address—Khasra No. 101//19,22, 115//13, 18,23/1, 125//3,67//18, 19 Harsaru Global City Project Gurugram, Haryana) (Mob-9899693449)

संदर्भ:- SRN : RF9-EYH-841C Online Dated 20.11.24 Receiving Date 21.11.24

उपरोक्त विषय के सम्बन्ध में लिखा जाता है कि उक्त केस का मौका निरीक्षण श्री लोकेश रक्षक व श्री विरेन्द्र सिंह वन दरोगा द्वारा प्रयोक्ता एजेसी के साथ किया गया है। मौके की रिपोर्ट निम्न प्रकार से आपकी सेवा में भेजी जाती है:-

- 1 प्रस्तावित क्षेत्र जनरल धारा-4 में आता है।
- 2 दस वर्षिय फ़ैलिंग प्रोग्राम अनुसार गांव हरसरु वर्ष 2026-27 में कटाई हेतु अनुमोदित है।
- 3 उक्त केस में मौके पर प्रयोक्ता एजेसी की मलकियत में 310 हरे वृक्ष व 13 Undersize के पौधे खड़े हैं जो Road Construction, Sewerline, Strong Rain Drain, Electrical Cable में बाधक है।
- 4 वृक्ष वन विभाग के नहीं हैं।
- 5 उक्त केस में बाधित वृक्षों की कटाई की अनुमति के लिए आवेदन किया गया है।
- 6 मौके की GPS Reading N-28.424539 E-76.962795 है।

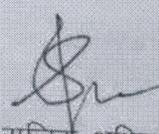
Abstract For Felling

Sr. No.	Species	V	IV	III	IIA	IIB	IA	IB	U/S	Total	Volume	Remarks
1	मस्कट	184	36	11	0	0	0	0	12	243	22.35	Green Standing
2	किकर	3	5	7	2	0	0	0	1	18	7.13	Green Standing
3	शिशम	7	26	22	4	0	0	0	0	59	21.12	Green Standing
4	जण्ड	3	0	0	0	0	0	0	0	3	0.18	Green Standing
	Total	197	67	40	6	0	0	0	13	323	50.78	

संदर्भ:- मौके की रिपोर्ट

Sale
48
28/11/24

1967
29-11-24


वन राजिक अधिकारी,
गुरुग्राम।

Site inspection report by the R.F.O/D.F.O, Annexure-II

- (1)
- i) I, Location of the field/areas/scheme: Village: **Harsaru** location of site –
Khasra No. 101//19,22, 115//13, 18,23/1, 125//3,67//18, 19 Harsaru Global City Project, Gurugram, Haryana
 Details of neighborhood east west
 north south
 - ii) Development Block **GURUGRAM** Tehsil Name **GURUGRAM**
 - iii) District **GURUGRAM**
- (2)
- Demarcation details of Land (Khasra No.s) for which tree felling permission is required from the Forest Department, indicating on Sajra/survey sheet/map **No**
- (3)
- a) Mention in clear words distance from the forest/plantation sites
 - b) Whether it is 1000mts. **No**
 - c) or touching or in neighborhood of RF/PF/area closed under the Punjab Land Preservation Act 1900 (including expired areas)/Aravalli plantation/any other forest land/or attract definition of Forests by any Court orders (12, 12, 1996), ...
No
- (4)
- a) Number of trees standing on land under question. **310 No. Trees and 13 No. Undersize Plants**
 - b) Density of vegetation, also mention names of herbs, shrubs tree species standing on the land. **0.4**
 - c) Attach the dully signed (FGd, Block Forest Officer & RFO) marking list for felling with girth & name of each species with botanical name, abstract of each species be mentioned here, **ATTACHED**
- (5)
- a) Brief not on vulnerability of the area to erosion **NO**
 - b) Nature of erosion and agents of erosion thereof : **NO**
- (6)
- Whether the requirement of proposed tree felling by the user agency/owner is unavoidable and barest minimum Clear recommendations based on the site visit? **YES**
- (7)
- a) Whether any work of violation has been carried out under any Forest Act,
 - b) or any Court orders. **NO**
 - c) or statutory provisions (PLPA, IFA, FCA, WLPA etc). **PLPA GENERAL SECTION 4**
 - d) If yes, details of damage report/FIR/Prosecution with date and other details,
 - e) period of work done,
 - f) action taken on erring party.
 - g) Whether work of violation is still in progress.: **NIL**

- (8)
- Clearly mention that the village does not fall in the felling programme of the year- **2024-25**
 - Due for felling in the year **2026-27**
 - The applicant (s) have signed the application in the presence of the Forest Guard who has verified the signature. Proxy signature are not acceptable

- (9)
- Is the place used for public amenities like a fair temple etc. **No**
 - When were trees felled in the past with full details. **NA**

- (10)
- Mention in clear words about year, name of scheme and nature of plantations
- Whether old Aravalli plantations, **NO**
 - SFP old plantations **NO SFP PLANTATION RECORD AVAILABLE IN RANGE OFFICE**
 - any other old plantation State/Central/plan/non plan/or any other scheme
 - Areas has been verified and tallied with geo reference landsat imagery (FSI report)
 - and any part of Aravalli plantations and any other plantation is not forming part of area requiring permission- **NO**
 - mention and mark prohibited zone and safety belt distance and other provisions of appropriate distance has been marked in accordance with the CEC letter
 - 07.06.2007 - **No**
 - 12.09.2007 - **No**
 - 05.12.2007 - **No**
 - The Hon'ble Supreme Court order 14.05.2008- **No**
 - full details about the plantations areas must be provided along with map - **NA**

- (11)
- Status of land about coverage under different notifications
- Date of notification under section 3, 4 & or 5 of the Punjab Land Preservation Act 1900. - **NO**
 - Date of expiry of notification, - **NO**
 - Whether land is covered under on 07.05.1992 MoEF, Government of India notification. - **No**
 - 21.12.1992 Government of India directions. - **No**
 - Clearly mention either any other notification is applicable on said land or not? - **LAND IN QUESTION CLOSED UNDER GENERAL SECTION 4 OF PLPA 1900**

- (12)
- Applicability of Hon'ble Supreme Court orders/

- b) 18.03.2004 or - NA
- c) 16.12.2002 and 29.10.2002, - NA
- d) 14.05.2008 - NA
- e) or any other court orders issued from time to time. - SRN : RF9-EYH-841C
Online Dated 20.11.2024
- f) It must be clearly indicated either any law/notification/rule/direction/court order/executive order is applicable on this land or not **Genera Section 4 of PLPA 1900**

(13)

- a) Site inspection report of the RFO - **RECOMMENDATION FOR CONSIDERATION**
- b) Comments on joint demarcation report is enclosed
- c) specially highlighting any facts asked above
- d) Specific recommendations for acceptance or rejection/otherwise of the proposal also with reasons thereof: **RECOMMENDATION FOR CONSIDERATION**
.....
.....

(14)

Clearly mention whether the said land is in 5 KM range of Eco-Sensitive Zone.
 No Arial Distance from Sultanpur National Park is above 5 KM

Dated:

Place:


 Range Forest Officer
 Gurugram
 Name with RFO Official Seal

Recommendation/Comments by D.F.O

- (15) Whether the concerned Dy. Conservator of Forests agree with or disagree the information and recommendation given by RFO, details thereof, comments on items I to xiii of RFO report

- (16) Specific recommendation of concerned Dy. Conservator of Forests tree felling be allowed with full technical justification, in case DCF disagree for tree felling case must be filed at DCF level only *Recommended for consideration*
as trees are obstructive in road construction
sewerline etc.

Dated:

Place:


 Signature

Name with DFO Official Seal

Standing Order No. 55..... of dated 16/08/2023 by Sh. Jagdish Chander, IFS, Principal Chief Conservator of Forests (HoFF) Haryana.

Title:- Schedule of tree felling and related permissions in areas notified under general section-4 of Punjab Land Preservation Act, 1900.

Section - 3 of Punjab Land Preservation Act, 1900 empowers the State Government to make a direction through notification whenever it is desirable to provide for the conservation of sub soil water or prevention of erosion or when the land is likely to become liable to erosion.

The areas notified under Section-3 are further notified under Section-4 of the Act and the notification is either general or specific. The areas notified specifically (with specific land details) are to be treated as forests for the purpose of Forest Conservation Act. The areas notified generally are subjected to certain restrictions and in such areas the owners of the land are required to take permission of Divisional Forest Officer for felling of the trees for bona-fides purpose. The said permission of Divisional Forest Officer is also a service under Right to Service Act also.

The permission to fell trees is a regulation for the reason to protect the land from soil erosion and therefore, the permission needs to be given only during the months when the soil is least prone to soil erosion. The soil is seriously prone to erosion during the monsoon months and therefore, the law mandates that permission to fell trees should not be accorded in the months of July, August & September, because such permission will defeat the very purpose of notification of the area under Punjab Land Preservation Act, 1900. For the same reason, Conservator of Forests, North Circle, Ambala issued letter dated 29.02.2008.

In view of the above position, it is decided as under:

- 1. Permission for tree felling in areas notified under general Section 4 of PLPA, 1900 will be given only in the months of January to June and October to December.
2. The application received in the month of July, August & September will be rejected with advice to the applicants to make fresh applications at appropriate time. The reasoning detailed in this office order will be cited in the reasons column of the decision format under Right to Service.

Seen

Cygm

Endst. No.: P&Rec/40435 Date:- 16/8/2023

A copy is forwarded to:

1. Hon'ble Chairman, Right to Service Commission, Haryana, Sector 17A, Chandigarh for information.
2. All PCCFs/APCCFs/CCFs/CFs/DFOs for information and necessary action.

4.8.23
PCCF (HoFF)
Haryana, Panchkula.

4.8.23
PCCF (HoFF)
Haryana, Panchkula.